



Criminal Code (Terrorist Organisation— Al-Qa'ida in the Arabian Peninsula) Regulations 2019

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 2019

David Hurley
Governor-General

By His Excellency's Command

Peter Dutton
Minister for Home Affairs

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Section 1

1 Name

This instrument is the *Criminal Code (Terrorist Organisation—Al-Qa'ida in the Arabian Peninsula) Regulations 2019*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	26 November 2019.	26 November 2019

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Criminal Code Act 1995*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Terrorist organisation—Al-Qa'ida in the Arabian Peninsula

- (1) For the purposes of paragraph (b) of the definition of **terrorist organisation** in subsection 102.1(1) of the *Criminal Code*, the organisation known as al-Qa'ida in the Arabian Peninsula is specified.
- (2) Al-Qa'ida in the Arabian Peninsula is also known by the following names:
- (a) al-Qa'ida in Yemen;
 - (b) Ansar al-Sharia;
 - (c) AQAP;
 - (d) AQY;
 - (e) Sons of Hadramawt;
 - (f) Supporters of Sharia.

Schedule 1 Repeals

Schedule 1—Repeals

Criminal Code (Terrorist Organisation—Al-Qa'ida in the Arabian Peninsula) Regulation 2016

1 The whole of the instrument

Repeal the instrument.

EXPLANATORY STATEMENT

Issued by the authority of the Minister for Home Affairs

Criminal Code Act 1995

Criminal Code (Terrorist Organisation—Al-Qa'ida in the Arabian Peninsula) Regulations

2019

The purpose of the *Criminal Code (Terrorist Organisation—Al-Qa'ida in the Arabian Peninsula) Regulations 2019* (the Regulations) is to specify al-Qa'ida in the Arabian Peninsula for the purposes of paragraph (b) of the definition of 'terrorist organisation' in subsection 102.1(1) of the *Criminal Code*.¹ Al-Qa'ida in the Arabian Peninsula is currently specified for this purpose by the *Criminal Code (Terrorist Organisation—Al-Qa'ida in the Arabian Peninsula) Regulation 2016*, which is repealed by the Regulations. Details of the Regulations are set out in Attachment A.

Section 5 of the *Criminal Code Act 1995* (the Act) provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act. The Schedule to the Act sets out the *Criminal Code*, which prescribes offences against humanity and related offences, and dangers to the community and national infrastructure.

Paragraph (b) of the definition of 'terrorist organisation' in subsection 102.1(1) of the *Criminal Code* provides that regulations can specify organisations for the purposes of the definition of 'terrorist organisation'.

Subsection 102.1(2) of the *Criminal Code* provides that before the Governor-General makes regulations specifying an organisation for the purposes of paragraph (b) of the definition of 'terrorist organisation' in subsection 102.1(1), the Minister must be satisfied on reasonable grounds that the organisation is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act or advocates the doing of a terrorist act.

The Minister for Home Affairs is satisfied on reasonable grounds that al-Qa'ida in the Arabian Peninsula is engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act, or advocates the doing of a terrorist act. In coming to this position, the Minister for Home Affairs has taken into consideration an unclassified Statement of Reasons provided by the Director-General of Security, as well as advice from the Australian Government Solicitor (AGS). The Statement of Reasons is at Attachment B.

¹ A 'terrorist organisation' is defined in subsection 102.1(1) of the *Criminal Code* as:

- (a) an organisation that is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act; or
- (b) an organisation that is specified by the regulations for the purposes of this paragraph.

Effect of the instrument

Division 102 of the *Criminal Code* sets out the following offences relating to terrorist organisations:

- directing the activities of a terrorist organisation
- being a member of a terrorist organisation
- recruiting persons to a terrorist organisation
- receiving training from, providing training to or participating in training with a terrorist organisation
- getting funds to, from or for a terrorist organisation
- providing support to a terrorist organisation, and
- associating with a terrorist organisation.

The Regulations ensure that the offences in Division 102 of the *Criminal Code* continue to apply to conduct relating to al-Qa'ida in the Arabian Peninsula. Regulations specifying al-Qa'ida in the Arabian Peninsula as a terrorist organisation have been in effect since 2010.

The Regulations are a legislative instrument for the purposes of the *Legislation Act 2003*.

The Regulations commence on 26 November 2019. Subsection 102.1(3) of the *Criminal Code* provides that regulations for the purposes of paragraph (b) of the definition of 'terrorist organisation' cease to have effect on the third anniversary of the day on which they take effect.

Consultation

The unclassified Statement of Reasons was prepared by the National Threat Assessment Centre in the Australian Security Intelligence Organisation, in consultation with the Department of Foreign Affairs and Trade and the Department of Home Affairs (Home Affairs). Home Affairs also sought the advice of the AGS to inform the decision of the Minister for Home Affairs.

Subsection 102.1(2A) of the *Criminal Code* provides that before the Governor-General makes a regulation specifying an organisation for the purposes of paragraph (b) of the definition of 'terrorist organisation' in subsection 102.1(1) of the *Criminal Code*, the Minister must arrange for the Leader of the Opposition in the House of Representatives to be briefed in relation to the proposed regulation. The Minister for Home Affairs wrote to the Leader of the Opposition enclosing the information upon which he was satisfied that al-Qa'ida in the Arabian Peninsula met the legislative criteria for listing.

The *Intergovernmental Agreement on Counter-Terrorism Laws* (June 2004) (the IGA) requires that the Commonwealth Government consult with the governments of the states and territories prior to making regulations specifying an organisation for the purposes of the definition of 'terrorist organisation' in subsection 102.1(1) of the *Criminal Code*. The IGA provides that if a majority of the states and territories object to the making of such a regulation within a timeframe nominated by the Commonwealth, and provide reasons for their objections, the Commonwealth will not make the regulation at that time.

The Minister for Home Affairs wrote, on behalf of the Prime Minister, to the Premiers and Chief Ministers of the states and territories. A majority of the states and territories did not object to the making of the Regulations within the timeframe nominated by the Minister.

Statement of Compatibility with Human Rights

Overview

The *Criminal Code (Terrorist Organisation—Al-Qa'ida in the Arabian Peninsula) Regulations 2019* (the Regulations) specifies al-Qa'ida in the Arabian Peninsula for the purposes of paragraph (b) of the definition of 'terrorist organisation' in subsection 102.1(1) of the *Criminal Code*.

The object of the Regulations is to identify al-Qa'ida in the Arabian Peninsula as a terrorist organisation under Australian law, and put the organisation and members of the public on notice of that fact. Notification is important to help people avoid engaging in activities which might constitute an offence under Division 102 of the *Criminal Code* in relation to al-Qa'ida in the Arabian Peninsula.

The Regulations, which are part of Australia's terrorist organisation listing regime, support the application of the offences in Division 102 of the *Criminal Code*, the object of which is to protect national security, public safety and the rights and freedoms of persons within and outside of Australia. In particular, the Regulations provide that the offence of associating with a terrorist organisation in section 102.8 of the *Criminal Code* applies in relation to associating with al-Qa'ida in the Arabian Peninsula.

Terrorist organisations, including al-Qa'ida in the Arabian Peninsula, present a threat to the security of Australia and often seek to harm Australians and our democratic institutions. The statutory definition of a 'terrorist organisation' requires that these bodies directly or indirectly engage in, prepare, plan, assist in or foster the doing of a terrorist act which includes the causing of serious harm to persons or death and serious damage to property (refer to [Attachment B](#) for details).

Human rights implications

The Regulations promote the following human rights contained in the International Covenant on Civil and Political Rights (ICCPR):

- the inherent right to life in Article 6.

The Regulations limit the following human rights contained in the ICCPR:

- the right to freedom of expression in Article 19, and
- the right to freedom of association in Article 22.

The inherent right to life in Article 6

Article 6 of the ICCPR provides that countries have a duty to take appropriate steps to protect the right to life and to investigate arbitrary or unlawful killings and punish offenders. The Regulations, and the terrorist organisation listing regime more broadly, ensure that the offence provisions in Division 102 of the *Criminal Code* apply to certain conduct in relation to listed terrorist organisations. These offence provisions operate to penalise conduct that presents a significant risk to life, both in Australia and overseas, and, in conjunction with the terrorist organisation listing regime, also act as a deterrent to that conduct. Deterring the conduct, and thereby preventing the risk to life, promotes the inherent right to life expressed in Article 6 of the ICCPR.

The right to freedom of expression in Article 19

Article 19(2) of the ICCPR provides that everyone shall have the right to freedom of expression. However, Article 19(3) provides that freedom of expression may be limited if it is necessary to achieve a legitimate purpose, including for the protection of national security. The Regulations, and the terrorist organisation listing regime more broadly, limit the right to freedom of expression to the extent that persons are prohibited from directing the activities of, recruiting for, providing support to or associating with terrorist organisations, including al-Qa'ida in the Arabian Peninsula. The restrictions on freedom of expression are justified on the basis that such conduct could jeopardise the security of Australia, the personal safety of its population and its national interests and the restrictions are reasonable, necessary and proportionate to the objective of protecting Australia's national security.

The right to freedom of association in Article 22

Article 22 of the ICCPR protects the right of all persons to group together voluntarily for a common goal and to form and join an organisation. Article 22(2) provides that this right may be limited for the purpose of national security. The Regulations, and the terrorist organisation listing regime more broadly, limit the right of freedom of association to prevent people engaging with and participating in terrorist organisations, in this instance al-Qa'ida in the Arabian Peninsula.

The offence of associating with a terrorist organisation in section 102.8 of the *Criminal Code* is limited in its application to an organisation that is a listed terrorist organisation under the definition of 'terrorist organisation' in paragraph 102.1(1)(b) of the *Criminal Code*. The offence does not apply if the association is with a close family member and relates to a matter of family or domestic concern, or takes place in the course of practicing a religion in a place used for public religious worship, or the association is only for the purpose of providing humanitarian aid or only for the purpose of providing legal advice or legal representation.

Due to the severity of the danger posed by terrorist organisations, it is reasonable, necessary and proportionate to limit the right of individuals who, by their association with a terrorist organisation, pose a threat to Australians.

General safeguards and accountability mechanisms

Whilst the Regulations may limit the right to freedom of expression and the right to freedom of association with al-Qa'ida in the Arabian Peninsula, the Regulations are subject to the safeguards outlined below. The limits on these rights are reasonable, necessary and proportionate, and are in the interests of public safety and national security, after taking into consideration the direct and indirect terrorist activities of the organisation, which threaten human life.

The *Criminal Code* provides safeguards and accountability mechanisms requiring prior consultation and enabling review of the Regulations, including the following:

- the Commonwealth must consult with the states and territories in accordance with the *Intergovernmental Agreement on Counter-Terrorism Laws* of 25 June 2004, and the Regulations may only be made if a majority of the states and territories do not object to the Regulations within a reasonable time specified by the Commonwealth
- under subsection 102.1(2A) of the *Criminal Code* the Minister must arrange for the Leader of the Opposition to be briefed in relation to the proposed Regulations
- under subsection 102.1(3) the *Criminal Code*, the Regulations will cease to have effect on the third anniversary of the day on which it takes effect
- subsection 102.1(4) of the *Criminal Code* provides that if the Minister ceases to be satisfied of the criteria necessary for listing an organisation under subsection 102.1(2) of the *Criminal Code*, the Minister must make a declaration to that effect by written notice published in the Gazette, with the effect of the Minister's declaration that the Regulations listing the organisation cease to have effect and the organisation is de-listed as a terrorist organisation under Division 102 of the *Criminal Code*
- subsection 102.1(17) of the *Criminal Code* provides that an individual or an organisation may make a de-listing application to the Minister
- the Regulations may be reviewed by the Parliamentary Joint Committee on Intelligence and Security under section 102.1A of the *Criminal Code*, and
- both Houses of Parliament may disallow the Regulations within the applicable disallowance period, which is 15 sitting days after the Regulations are laid before that House, as provided for in subsection 102.1A(4) of the *Criminal Code*.

Conclusion

The Regulations are compatible with human rights because they promote the protection of human rights. To the extent that the terrorist organisation listing regime, of which the Regulations are part, may also limit human rights, those limitations achieve a legitimate purpose and are reasonable, necessary and proportionate.

ATTACHMENT A

Details of the Criminal Code (Terrorist Organisation—Al-Qa'ida in the Arabian Peninsula) Regulations 2019

Section 1 – Name

1. This section provides that the title of the Regulations is the *Criminal Code (Terrorist Organisation—Al-Qa'ida in the Arabian Peninsula) Regulations 2019*.

Section 2 – Commencement

2. This section provides for the commencement of each paragraph in the instrument, as set out in the table.
3. Subsection 2(1) provides that each provision in the instrument, as specified in column 1 of the table, commences in accordance with column 2 of the table, and that any other statement in column 2 has effect according to its terms. Columns 1 and 2 provide that the Regulations commence on 26 November 2019.
4. The note to subsection 2(1) clarifies that the table only relates to the provisions of this instrument as originally made, and will not be amended to deal with any subsequent amendments to the instrument.
5. Subsection 2(2) provides that the information in column 3 of the table is not part of the instrument. It is designed to assist readers and may be updated or changed in any version of these Regulations.

Section 3 – Authority

6. This section provides that the Regulations are made under the *Criminal Code Act 1995*.

Section 4 – Schedules

7. This section provides that each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned. Any other item in a Schedule has effect according to its terms.
8. Schedule 1 to the Regulations repeals the whole of the *Criminal Code (Terrorist Organisation—Al-Qa'ida in the Arabian Peninsula) Regulations 2016*.

Section 5 – Terrorist organisation—Al-Qa'ida in the Arabian Peninsula

9. Subsection 5(1) provides that for the purposes of paragraph (b) of the definition of 'terrorist organisation' in subsection 102.1(1) of the *Criminal Code*, the organisation known as al-Qa'ida in the Arabian Peninsula is specified.

10. The effect of specifying al-Qa'ida in the Arabian Peninsula as a terrorist organisation is to ensure that offences in Subdivision B of Division 102 of the *Criminal Code* that relate to terrorist organisations are able to operate, where the appropriate elements are satisfied, in relation to conduct in connection with al-Qa'ida in the Arabian Peninsula.
11. Subsection 5(2) provides a list of names that al-Qa'ida in the Arabian Peninsula is also known as:
 - (a) al-Qa'ida in Yemen;
 - (b) Ansar al-Sharia;
 - (c) AQAP;
 - (d) AQY;
 - (e) Sons of Hadramawt;
 - (f) Supporters of Sharia.

Schedule 1 — Repeals

12. Clause 1 of Schedule 1 repeals the *Criminal Code (Terrorist Organisation—Al-Qa'ida in the Arabian Peninsula) Regulation 2016*.
13. The *Criminal Code (Terrorist Organisation—Al-Qa'ida in the Arabian Peninsula) Regulation 2016* specifies al-Qa'ida in the Arabian Peninsula as a terrorist organisation for the purposes of paragraph (b) of the definition of 'terrorist organisation' in subsection 102.1(1) of the *Criminal Code*. Clause 1 of Schedule 1 ensures there is no duplication where the new Regulations are made before the current Regulation ceases to have effect.

ATTACHMENT B

STATEMENT OF REASONS FOR AL-QA'IDA IN THE ARABIAN PENINSULA	
Also known as: al-Qa'ida in Yemen, Ansar al-Sharia, AQAP, AQY, Supporters of Sharia, Sons of Hadramawt	
This statement is based on publicly available information about al-Qa'ida in the Arabian Peninsula (AQAP). To the Australian Government's knowledge, this information is accurate, reliable and has been corroborated by classified information.	
1.	Basis for listing a terrorist organisation Division 102 of the <i>Criminal Code 1995</i> provides that for an organisation to be listed as a terrorist organisation, the AFP Minister must be satisfied on reasonable grounds that the organisation: a) is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act; or b) advocates the doing of a terrorist act. For the purposes of listing a terrorist organisation under the <i>Criminal Code</i>, the doing of a terrorist act includes the doing of a specific terrorist act, the doing of more than one terrorist act and the doing of a terrorist act, even if a terrorist act does not occur.
2.	Background to this listing The Australian Government first proscribed AQAP as a terrorist organisation under the <i>Criminal Code</i> in 2010 and relisted AQAP in 2013 and 2016.
3.	Terrorist activity of the organisation <u>Objectives</u> AQAP is one of al-Qa'ida's most active affiliates. It subscribes to al-Qa'ida's Sunni Islamist extremist ideology, which promotes violence and is strongly anti-Western. On 13 August 2017, in the 17th issue of its English-language Inspire magazine, AQAP implied that the West is at war with Islam and stated '[it] will eventually turn against its Muslim citizens', referencing earlier anti-Western rhetoric by deceased preacher and AQAP official Anwar al-Awlaki. AQAP remains loyal to al-Qa'ida leader Ayman al-Zawahiri and—though it seeks the creation of a pan-Islamic caliphate governed by Sharia law—remains broadly opposed to Islamic State's self-declared caliphate. Consistent with al-Qa'ida's primary goal, AQAP aspires to establish an Islamic Caliphate by removing 'un-Islamic' or 'apostate' governments and influences from Muslim-majority countries through the use of violence. AQAP specifically seeks to establish a caliphate and implement Sharia law in Yemen, and from there aspires to spread this system throughout the Arabian Peninsula. AQAP has undertaken the following activities to achieve its objectives: <u>Directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of terrorist acts</u>

AQAP conducts terrorist attacks including bombings, kidnappings and assassinations against Yemeni and foreign government interests to destabilise the state; and, has declared Yemen's Zaidi Shia Huthi minority 'heretics'. AQAP capitalised on the Huthi uprising in September 2014, and the corresponding deteriorating security environment, by expanding its insurgency—taking control of the port city of Mukalla in April 2015. AQAP had gained control of significant territory in Yemen's south and east until a United Arab Emirates (UAE)-led military coalition offensive retook Mukalla in late April 2016. Although the group no longer controls territory, it continues to conduct attacks in several provinces.

Attacks that AQAP has claimed responsibility for and is assessed to have undertaken since the group was re-listed in 2016 include:

- 20 December 2018: an improvised explosive device (IED) attack against a UAE-backed Security Belt Forces vehicle in Abyan governorate, killing two soldiers and injuring several more.
- 28 August 2018: an armed assault on a position belonging to the SBF in Abyan governorate. Five soldiers were reportedly killed and three others were wounded.
- 23 June 2018: an IED attack against Huthi forces in Ibb governorate. A Huthi official and two guards were reportedly killed.
- 14 June 2018: a vehicle-borne improvised explosive device (VBIED) attack against the SBF in Abyan governorate, killing three soldiers and wounding seven others.
- 12 June 2017: a VBIED and gun attack on a Yemeni government army camp in Hadramout governorate, killing two soldiers.
- 27 March 2017: a VBIED and gun attack on a Yemeni government compound in Lahij governorate, killing six soldiers.

Historically, a number of significant disrupted attack plots have also been reliably attributed to AQAP, including:

- 27 November 2014: AQAP claimed responsibility for and is assessed to have undertaken an attempt to assassinate the United States (US) Ambassador in Sana'a, Yemen—two IEDs were disarmed before they could be detonated.
- 8 May 2012: US officials thwarted AQAP plans to detonate a non-metallic IED on board an unspecified US-bound aircraft.
- 29 October 2010: UAE and UK officials discovered IEDs concealed in printer cartridges in air cargo destined for the US. AQAP claimed responsibility for the attempted attack publishing details in a special edition of the group's English-language 'Inspire' magazine in November 2010.
- 25 December 2009: Nigerian Umar Farouk Abdulmutallab failed in his attempt to detonate an IED on board Northwest Airlines flight 253 on route from Amsterdam to Detroit. On 28 December 2009, AQAP claimed responsibility for the attempted attack on a jihadist internet forum.

Advocating the doing of terrorist acts

AQAP leaders have, directly or indirectly, advocated terrorist attacks in order to further the group's objectives. Public statements by AQAP since its re-listing in 2016 include:

- 10 March 2019: In a video titled 'They Hurry to Their Friendship', senior AQAP official and spokesperson Khalid Batarfi attacked Saudi Arabia's normalisation with Israel and alleged moral, political and religious corruption. He called for believers to confront and topple the Saudi regime.

	• 18 April 2018: In the second issue of AQAP's 'Madad' newsletter, Khalid Batarfi urged Yemenis to rise up against the UAE presence in southern Yemen. The newsletter exploited a recent spate of killings to appeal to remaining imams of mosques in Aden, Yemen, to leave the city and join AQAP's ranks. • 23 January 2018: In a video titled 'Our duty towards our Jerusalem', as a response to the US recognition of Jerusalem as Israel's capital, Khalid Batarfi urged attacks on Israel, as well as the US, Britain and France. • 2 September 2017: In a video titled 'Burma: the forgotten wound', Khalid Batarfi called on Muslims to support their Rohingya brethren. He urged al-Qa'ida in the Indian Subcontinent to carry out attacks, for Muslims in Myanmar to prepare for jihad, and for Muslims in neighbouring countries to supply them with equipment and ammunition. In July 2010, AQAP launched its online English-language magazine 'Inspire', which aims to encourage individuals, especially in Western countries, to undertake acts of terrorism by providing practical guidance and ideological justification for attacks in their own countries. Examples of advocacy related to editions of 'Inspire' released since the group was re-listed in 2016 include: • 13 August 2017: AQAP released 'Inspire 17', which was dedicated to train derailment and impacting the transportation sector. It reviewed the economic impact of train derailment, gave designs and instructions for fabricating a derailment tool, and provided major train routes for the US.
4.	Details of the organisation AQAP is a Sunni extremist group located in Yemen. The group is an officially-recognised affiliate of al-Qa'ida that adheres to al-Qa'ida's global jihadist ideology and follows an extreme interpretation of Islam which is anti-Western. Although the group currently focuses on Yemeni targets, AQAP conducted attacks in Saudi Arabia during the mid-2000s, and has attempted to conduct attacks within the US and against US interests around the world. AQAP was formed in 2009 when the Saudi Arabian and Yemeni branches of al-Qa'ida merged after Riyadh's counterterrorism efforts had driven al-Qa'ida members south into Yemen. It was originally founded as al-Qa'ida Yemen, in February 2006, after the escape of 23 detained Islamic extremists from a high-security government correctional facility in Sana'a, Yemen. In a January 2009 statement, al-Qa'ida Yemen announced a change of name to AQAP, which was the name of al-Qa'ida Saudi Arabia before it was dismantled by Saudi authorities in 2006. To increase its community appeal and promote itself as the defender of Sharia law, AQAP refers to itself using names such as 'Ansar al-Sharia' (Supporters of Sharia) and 'Sons of Hadramawt'. AQAP also supports local militias against the Huthi, integrating itself into local populations which reject Huthi attempts to control their territory. <u>Leadership</u> Since June 2015, AQAP has been led by Qasim al-Rimi, the group's former operational commander. Al-Rimi replaced Nasir al-Wuhayshi after he was killed by a US drone strike. AQAP's Khalid al-Batarfi confirmed al-Wuhayshi's death and al-Rimi's appointment in a 16 June 2015 video statement. Al-Rimi is a veteran jihadist who joined al-Qa'ida in Afghanistan prior to the 11 September 2001 attacks in the US. AQAP's bomb-making was led by explosives expert Ibrahim al-Asiri until his alleged death in a US air strike in late-2017. Al-Asiri was the mastermind behind a number of plots targeting global aviation. Before his death, al-Asiri may have spent time training the next generation of AQAP bomb-makers. <u>Membership</u>

Estimates of AQAP's strength vary from several hundred to several thousand members. The estimation of AQAP membership is complicated by the tribal nature of Yemeni society and the November 2014 emergence of an Islamic State affiliate in Yemen—some Sunni jihadist fighters are likely to have multiple allegiances, or pragmatically move between groups.

Recruitment and funding

AQAP seeks recruits from a variety of sources, including local Yemeni tribes sympathetic to their jihadist cause and Sunni extremists from other Middle Eastern or South Asian countries. The group is comprised mostly of Yemenis and Saudis, but it also recruits internationally.

AQAP releases its audio-visual messages online via its al-Malahim media outlet to broaden its reach and appeal. Although AQAP appears to have ceased production of 'Sada al-Malahim' (The Echo of Battles), its magazine for Yemeni audiences, and the English-language 'Inspire' magazine, the group produces a short newsletter, 'Madad', which it first released on 14 March 2018. AQAP also continues to release messages by senior spokesperson Khalid Batarfi.

AQAP is self-funded and collects revenue from numerous sources, including donors in Yemen, Saudi Arabia and other countries; donations collected in mosques; ransom payments for kidnapped hostages; and, criminal activities such as robberies and drug smuggling. After taking control of the port city of Mukalla, Hadramawt province in Yemen in April 2015, AQAP reportedly earned millions through stolen Yemeni state savings and customs revenues.

Links to other terrorist organisations

AQAP is a recognised affiliate of al-Qa'ida. AQAP has also developed links to al-Qa'ida-affiliated terrorist group al-Shabaab, which operates in Ethiopia, Kenya and Somalia.

Links to Australia

There have been no corroborated links between AQAP and Australian individuals or interests since the group was re-listed in 2016.

Threats to Australian interests

AQAP remains committed to conducting and encouraging others to undertake terrorist attacks against Western targets, which includes Australian interests; however, no known AQAP attacks have killed or injured Australian citizens. There have been no attacks against Western interests since AQAP was re-listed in 2016, but demonstrated AQAP support for Western attacks since its re-listing include:

- 7 May 2017: AQAP released a video titled 'A Lone Mujahid or an Army by Itself', which featured AQAP leader Qasim al-Rimi calling for 'eye for an eye' lone-actor attacks in the West as retaliation for tragedies upon Muslims.
- 7 April 2017: AQAP released the fifth issue of its 'Inspire Guide', which analysed the 22 March 2017 lone-actor attack on the Parliament Building in London, claimed by the Islamic State. The report concluded that the attack was successful and encouraged individuals in the West to follow suit with similar attacks.

AQAP's 'Inspire' magazine has mentioned Australia in most editions—but not as frequently as the US and European countries. However, AQAP has not mentioned Australia in propaganda since the group was re-listed in 2016.

Listed by the United Nations or like-minded countries

	AQAP is listed by the United Nations under UNSC Resolution 1267 (last reviewed on 2 February 2016). The group is listed as a proscribed terrorist organisation by the governments of the US and Canada, and is included in the UK government's listing of al-Qa'ida. <u>Engagement in peace or mediation processes</u> AQAP was involved in peace talks with the Yemeni Government in 2013, but is not currently engaged in any peace or mediation processes.
5.	Conclusion On the basis of the above information, ASIO assesses that AQAP continues to be directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of terrorist acts or advocates the doing of terrorist acts, involving threats to human life and serious damage to property. In the course of pursuing its objectives, AQAP is known to have committed or threatened actions that: • cause, or could cause, death, serious harm to persons, serious damage to property, endanger life (other than the life of the person taking the action), or create a serious risk to the health or safety of the public or a section of the public; • are intended to have those effects; • are done with the intention of advancing AQAP's political, religious or ideological causes; • are done with the intention of intimidating, the government of one or more foreign countries; and • are done with the intention of intimidating the public or sections of the public.